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In re Application of :
MACPHEE, Martin J. *et al* :
U.S. Application No.: 10/525,415 :
PCT No.: PCT/US03/28100 :
Int. Filing Date: 09 September 2003 :
Priority Date: 10 September 2002 :
Attorney's Docket No.: 1327.0690001/ELE/SJE :
For: HEMOSTATIC DRESSING :

DECISION

This is a decision on the request to add two inventors in the above-captioned application pursuant to 37 CFR 1.497(d) filed 27 February 2006.

BACKGROUND

On 10 August 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicants were given two months to respond with extensions of time available.

On 10 January 2006, applicants submitted a declaration listing three inventors along with a three-month extension and fee.

On 27 January 2005, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration submitted 10 January 2006 was not in compliance with 37 CFR 1.497(a) and (b) because two inventors listed on the declaration were not recorded as inventors in the international application. Applicants were given one month to respond, or any time remaining on the Form PCT/DO/EO/905.

On 27 February 2006, applicants filed a reply which was accompanied by, *inter alia*, the processing fee; a copy of an assignment; a declaration; two documents titled "Statement Under 37 CFR § 1.497(d)(1) of a Person to be Added or Deleted as an Inventor"; a power of attorney from assignee; a document titled "Consent of Assignee Under 37 CFR §1.497(d)(3)"; and a "Statement Under 37 CFR 3.73(b)."

DISCUSSION

Applicants request to add Dawson Beall and Stanley Friedman as inventors in the above-captioned application. 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

- (1) A statement from each person being added as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(l); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Here, applicants filed a statement by Dawson Beall who requests to be added as an inventor in the above-captioned application. Mr. Beall states that the "inventorship error occurred without deceptive intention on my part." Applicants also filed a statement by Stanley Friedman requesting to be added as an inventor in the above-captioned application. Mr. Friedman states that the "inventorship error occurred without deceptive intention on my part." The processing fee of \$130.00 has been paid.

Applicants also submitted a document titled "Consent of Assignee Under 37 CFR § 1.497(d)" consenting to the change of inventorship in the above-identified application. This document was signed by the Roger Dodd, Vice President, Research & Development. This position is presumed to have the authority to sign for a corporation. See § 324 MPEP. A "Statement Under 37 CFR 3.73(b)" was also provided as required.

Therefore, all the requirements of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request under 37 CFR 1.497(d) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 09 September 2003, under

35 U.S.C. 363, and a 35 U.S.C. 371 date of 10 January 2006.

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.

A handwritten signature in black ink, appearing to read "James Thomson". The signature is written in a cursive, flowing style.

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